IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 240 of 2006(D)

CRIME NO.181/05 OF KARUNAGAPPALLY EXCISE RANGE

PETITIONER: ACCUSED

PRASANNAN UNNITHAN,S/O.MADHAVAN UNNITHAN
LICENCE OF TODDY SHOP BEARING NO.T.S.14/2005-06,
OF KARUNAGAPPALLY EXCISE RANGE,HAVING PERMANENT
RESIDENCE AT `KATTIL THEKKATHIL',KALLELIBHAGAM
MURI,KALLELIBHAGOM VILLAGE,KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.P.V.VENUGOPAL
SRI.JAYAKRISHNAN.C.H

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA FOR EXCISE INSPECTOR,
KARUNAGAPPALLY EXCISE RANGE, KARUNAGAPPALLY.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 240 OF 2007

Dated this the 26th day of March, 2007

ORDER

There is no representation for the petitioner. The petitioner in this petition prays, the learned Public Prosecutor concedes and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of Crime No.181/05 of Karunagappally Excise Range against the petitioner are hereby quashed.

(R. BASANT, JUDGE)

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(R. BASANT, JUDGE)

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